

Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)		Docket Number (Optional)
<p>First named inventor: Sergey Matasov</p> <p>International (PCT) Application No.: PCT/LV98/00006 U.S. Application No.: 09/509377 Filed: October 2, 1998 (if known)</p> <p>Title: "Endoscope with disposable cartridge for the invagination of endoscopic tube"</p> <p>Attention: PCT Legal Staff Box PCT Assistant Commissioner for Patents Washington, D.C. 20231</p> <p>The above-identified application became abandoned as to the United States because the fees and documents required by 35 U.S.C. 371(c) were not filed prior to the expiration of the time set in 37 CFR 1.494(b) or (c) or 1.495(b) or (c) (as applicable). The date of abandonment is the day after the date on which the 35 U.S.C. 371(c) requirements were due. See 37 CFR 1.494(h) or 1.495(i).</p> <p style="text-align: right;">RECEIVED 07 SEP 2000 Legal Staff International Patent Office</p> <p>APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION</p> <p>NOTE: A grantable petition requires the following items:</p> <ul style="list-style-type: none"> (1) Petition fee (2) Proper reply (3) Terminal disclaimer with disclaimer fee -- required for all international applications having an international filing date before June 8, 1995; and (4) Statement that the entire delay was unintentional. <p>1. Petition fee</p> <p><input checked="" type="checkbox"/> Small entity - fee \$ <u>605</u> (37 CFR 1.17(m)) <input type="checkbox"/> Small entity statement enclosed herewith. <input checked="" type="checkbox"/> Small entity statement previously filed. <input type="checkbox"/> Other than small entity - fee \$ _____ (37 CFR 1.17(m))</p> <p>2. Proper reply</p> <p>A. The proper reply (the missing 35 U.S.C. 371(c) requirements) in the form of <u>letter</u> (identify type of reply):</p> <p><input type="checkbox"/> has been filed previously on _____. <input checked="" type="checkbox"/> is enclosed herewith.</p>		

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Burden Hour Statement: This form is estimated to take 1.0 hour to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

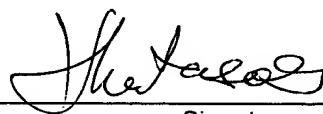
3. Terminal disclaimer with disclaimer fee

Since this international application has an international filing date on or after June 8, 1995, no terminal disclaimer is required.

A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$_____ for a small entity or \$_____ for other than a small entity) equivalent to the period of abandonment is enclosed herewith (see PTO/SB/63).

4. Statement. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.August 28, 2000

Date

Telephone Number: (371) 7601489

Signature

Sergey Matasov

Typed or printed name

Ranka dambis 7/1-55,
AddressRiga, LV 1048, LATVIA

Enclosures:

- Fee Payment
- Reply
- Terminal Disclaimer Form
- Small Entity Status Form
-

**Commissioner for Patents
US Patent and Trademark Office
Box PCT
Washington, DC 20231
Attn.: PCT Legal Office**

Re.: Application PCT/LV98/00006. National Application No. 09/59377.
Priority date Oct. 03, 1997

By fax and express mail

PETITION FOR REVIVAL OF THE INTERNATIONAL APPLICATION

On March 15, 2000 I have paid 732 USD (basic national fee + multiple dependent claims fee) for entering of my PCT application into the national phase in USA. According to the instruction in the "PCT Applicants Guide - Volume II - National Chapter - USA" I had four variants of payment:

- 1) cash payment,
- 2) United States Postal Service money order,
- 3) check,
- 4) by USPTO deposit account.

I have paid money by the 2nd variant, i.e. by the international money order through the Post of Latvia to the address:

Box PCT
Commissioner of Patents and Trademarks,
Washington, DC20231, USA.

The fact of the fee payment till April 3, 2000 confirms the letter of the director general of the Post of Latvia Mr. Droiskis from August 21, 2000 (see enclosure №1).

During the period from April 3 till July 12 I repeatedly called in the USPTO Customer Service with the purpose to find out whether the documents and money are received and whether the amount is full. The reply was, that the application is accepted and the national number No. 09/59377 is awarded to it.

On August 1, 2000 I unexpectedly received the «Notification of Abandonment» of the application because "the applicant has failed to provide the full U.S. Basic National Fee". During the further phone negotiations Mr. Bell (PCT Special Programs Examiner, USPTO Special Programs Office) has informed me, that on June 20, 2000 in my address there was directed the preventive "Communication and Notification of Abandonment". However I did not receive this letter and on the 48th Riga's post office it is not registered.

On August 2, 2000 I have addressed to the Reclamation Department of the Post of Latvia, and on August 7 - to the director general of the Post of Latvia with the request to inform me where is my money.

On August 17, 2000 it was informed to me, that money has returned from USA to Latvia. The reason of the refund is investigated now (see enclosure N-1).

I ask You to pay attention that over the "Endoscope with disposable cartridge" I was working since 1978. As the new endoscope solves a problem of colon cancer screening, the Academy of Sciences of Latvia and Latvian Patent Office have recognized it as the best national invention in 1999.

Understanding how serious is the situation the members of the public organization "Contra Colon Cancer" collected the money for filing the petition. According to the suggestion of Mr. Bell, the payment of fees for entering into the national phase and for filing of the petition I make by the credit card: basic national fee 485 USD + multiple dependent claims fee 130 USD + petition filing fee 605 USD (see enclosure №2).

It is possible, that, not having experience of patenting in USA and not having money to appoint the patent attorney, I have made any mistake. I hope for Your comprehension and concern and I ask You not to refuse in revival of my application. I hope also, that if You will not discover any fault from my side, the petition filing fee could be transferred on the account of my future payments.

Enclosures:

№1. Copy of the answer from the Post of Latvia on 3 pages in 1 exemplar.

№2. Copy of the Credit Card Payment Form (PTO-2038) on 1 page in 1 exemplar.

August 28, 2000

Thank You in advance.

Yours faithfully,

Dr. Sergey Matasov



Translator and patent consultant

Anda Borisova



P.S. In connection with bad work of the Latvian Post, we kindly ask You to duplicate the correspondence transmitted to us by mail, on the fax +371 7601489 or +371 2459102, or on the e-mail matasov@hotmail.com.